PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey A. Nowell et al.	Examiner: Jennifer I. Thissell
Serial No.: 10/675,442	Art Unit: 3635
Filed: September 30, 2003	Confirmation No.: 5633
For: **SCREEN WITH INTEGRAL RAILING**	
Date of Last Office Action: December 27, 2004	
Attorney Docket No.: PTOZ 2 00021	Cleveland, OH 44114 February 16, 2005

DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

Dear Sir:

As persons signing below:

1. We, Jeffrey A. Nowell, Jerry J. DeLiberato and Tony P. Bouquot, do hereby declare and say that we are inventors in the above-identified United States patent application, Serial No. 10/675,442.

2. We have read and are familiar with the U.S. Patent Publication No. 2004/0168379 (the '379 application), which published on September 2, 2004 and identifies Chang Than Chen as the sole inventor.

3. We declare that on a date prior to February 27, 2003, the earliest claimed priority date of U.S. Patent Publication No. 2004/0168379, the invention disclosed in the above-identified United States patent application was completed in this country. Additionally, on a date prior to February 27, 2003, the invention(s) of claims 1-

22, elements of which are said to be disclosed in the '379 application, was (were) completed in this country. In this regard, we have attached hereto redacted copies of sheets of drawings (Exhibits A-F) sent to our patent attorney, as evidence of completion of the invention prior to February 27, 2003. These sheets of drawings provide an enabling description of the invention recited by the claims discussed above. Exhibit A includes an exploded perspective view of a lower rectangular frame section of a frame assembly. It is similar to Figure 2 of the instant application. Exhibit A also includes an enlarged partial perspective view of a connection between one of a plurality of spaced pickets in the lower frame section and a top member of the lower frame section that is similar to Figure 3 of the instant application. Exhibit B is an exploded perspective view of one of two screen assemblies removably mountable within upper and lower frame sections of the frame assembly. Exhibit B is similar to Figure 5 of the instant application. Exhibit C is an exploded perspective view of an upper rectangular frame section of the frame assembly. Exhibit C is similar to Figure 4 of the instant application. Exhibit D is a perspective view of a frame assembly, which is similar to Figure 1 of the instant application. Exhibit F includes a partial elevational cross-sectional view of a frame assembly showing a lower section mounted to a supporting surface that is similar to Figure 7 of the instant application. Further, Exhibit F includes a partial top cross-sectional view of a pair of interconnected frame assemblies, similar to Figure 8 of the instant application. We hereby declare and say that the relevant portions of Exhibits A-F were prepared at least prior to February 27, 2003, the earliest claimed priority date of the '379 application.

4. Specifically, Exhibits A-F, attached hereto, describe an embodiment of the present invention which comprises a frame assembly for at least partially enclosing a raised floor structure including a bottom frame member positioned adjacent an associated raised floor structure and a pair of spaced apart side frame members connected to and extending upwardly from the bottom frame member. A top frame member is spaced from the bottom frame member, and connected to the pair of side frame members. At least one picket extends between and is connected to the top and bottom frame members. The at least one picket is oriented approximately parallel to the side frame members. A screen is selectively mounted to at least one of the top and

bottom frame members and the side frame members and is located adjacent the at least one picket. Exhibits A-F also show the at least one picket comprising a rigid tubular member, a rigid member having a hollow rectangular cross-section, and a plurality of spaced aligned pickets. Exhibits A-F further show at least one of the bottom frame member and the top frame member including spaced holes for receiving opposed ends of the at least one picket for connection thereto. The same exhibits show at least one fastener received through a hole in one end of one of the at least one picket received in the spaced holes for securing the at least one picket to at least one of the bottom frame member and the top frame member. Exhibits A-F show both the bottom frame member and the top frame member including spaced holes and the at least one fastener including two upper fasteners received through holes in upper ends of two spaced pickets received in the top frame member and two lower fasteners received through holes in lower ends of two pickets received in the bottom frame member. Exhibits A-F show a layer of seam sealer positioned between the ends of the at least one picket and top and bottom frame members to prevent the at least one picket from rattling. The same exhibits also show the screen comprising a pair of removable screen panels wherein one of the screen panels is held between the bottom and top frame members and the side frame members on one side of the at least one picket and the other of the screen panels is held between the bottom and top frame members and the side frame members on another side of the at least one picket. Exhibits A-F further show the screen panels including compressible leaf springs and being held between the side frame members in tracks defined in the side frame members, as well as the side frame member tracks including bumpers for engaging the screen panels.

5. Specifically, Exhibits A-F, attached hereto, show another embodiment of the invention comprising a screen assembly having an integral railing including a lower rectangular frame section having a base member and a top member spaced from the base member. A plurality of spaced barrier members extend from the base member to the top member. The spaced barrier members and the top member together form a railing. A first screen is held in the lower rectangular frame section adjacent the railing. An upper rectangular frame section is supported by the lower rectangular frame. A second screen is held in the upper rectangular frame section. Exhibits A-F also show a

third screen held in the lower rectangular frame section adjacent the railing. The third screen is held on one side of the plurality of pickets and the first screen is held on the other side of the plurality of pickets

6. Specifically, Exhibits A-F, attached hereto, describe yet another embodiment of the present invention which comprises a combination screen and railing frame assembly including a frame defining an opening therethrough and at least one screen secured to the frame. The at least one screen extends across at least part of the opening. A balustrade is connected to the frame and a horizontal member extending across the opening and is spaced a preselected distance from a bottom portion of the frame and a plurality of spaced pickets extending across at least part of the opening wherein each of the plurality of spaced pickets is connected at one end to the horizontal member and at another end to the bottom portion of the frame. Exhibits A-F also show the at least one screen including a first screen panel extending across a first portion of the opening defined below the horizontal member and a second screen panel extending across a second portion of the opening defined above the horizontal member. The same exhibits also show the first and second screen panels being removably mounted to the frame.

7. Specifically, Exhibits A-F, attached hereto, describe yet a further embodiment of the present invention which includes a frame assembly for screening in a floor structure and providing a integral rail therewith including a bottom frame section and a first pair of spaced apart side frame sections extending upwardly from the bottom frame section. A first intermediate frame section is spaced from the bottom frame section and extends between the first pair of side frame sections. A plurality of spaced pickets extends between the bottom frame section and the intermediate frame section. The plurality of pickets and the first intermediate frame section form a rail. A first removable screen panel is held between the bottom frame section, the first side frame sections and the first intermediate frame section. The first screen panel is disposed on one side of the plurality of pickets. A second intermediate frame section is connected to the first intermediate frame section and further forms the rail. A second pair of spaced apart side frame sections extends upwardly from the second intermediate frame section. A top frame section is connected to the second pair of side frame sections. A

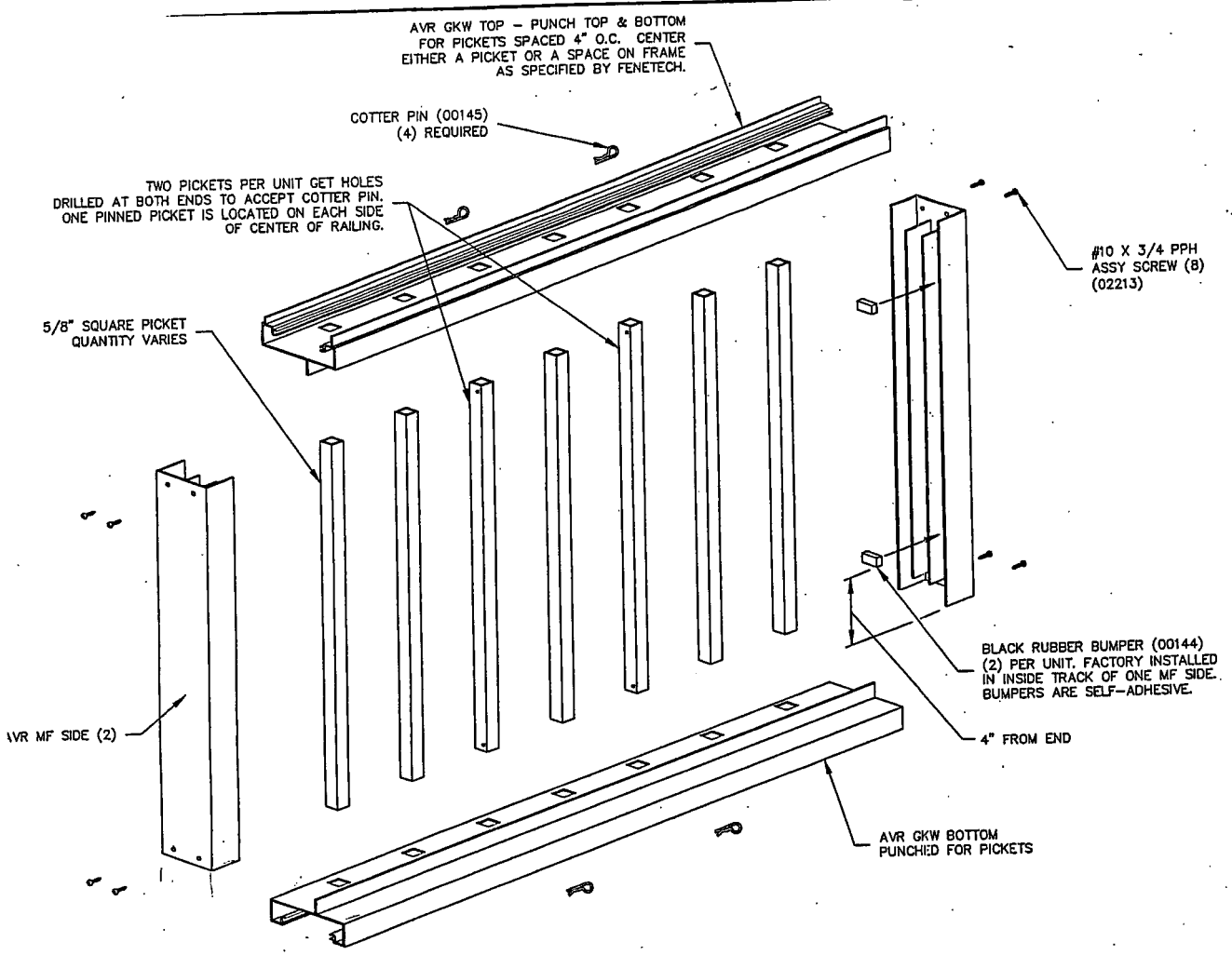
second removable screen panel is held between the second intermediate frame section, the second pair of side frame sections and the top frame section. Exhibits A-F further show the plurality of pickets including rigid tubular components that provide rigidity to the rail, as well as the plurality of pickets being spaced apart from one another a distance sufficient to allow substantially unobstructed airflow through the first removable screen. Exhibits A-F still further show the bottom frame section and the first intermediate section including sets of aligned holes that receive ends of each of the plurality of pickets. The same exhibits also show a layer of a sealant material disposed between ends of the pickets and the bottom frame section and first intermediate section to retard rattling of the pickets in the frame assembly, as well as at least two of the plurality of pickets being secured in the sets of aligned holes by fasteners.

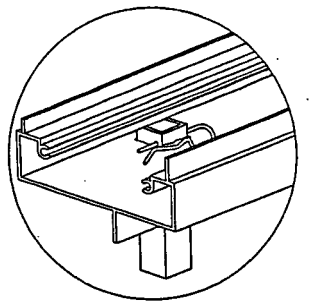
8. Each of the dates deleted from Exhibit A is a date at least prior to February 27, 2003, the effective date of the '379 application.

9. It is submitted that the information in attached Exhibits A-F demonstrates that the invention of the instant application was completed in this country at a date at least prior to February 27, 2003, the effective date of the '379 application.

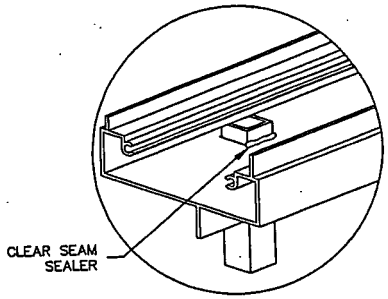
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name	2/24/05 (Date)
Name	3-1-05 (Date)
Name	2-23-05 (Date)





DETAIL OF COTTER PIN INSTALLED IN END OF PICKET. COTTER PINS INSTALLED IN BOTH ENDS OF TWO PICKETS PER RAILING UNIT.



RUN BEAD OF CLEAR SEAM SEALER TOP AND BOTTOM OF EVERY PICKET TO PREVENT PICKETS FROM RATTLING

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NOTES:	AREA: SQ.IN.	WT/FT: LBS.	patio ENCLOSURES, INC.®	720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
	PERIM: IN.	YIELD STRENGTH PSI		
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	Syy IN^3	MAX LENGTH: FT.		MATL: VARIOUS
REVISIONS	VENDOR #1	VENDOR PART #		FINISH: VARIOUS
	VENDOR #2	VENDOR PART #		SCALE: 1:7 DRAWN: APB DATE:
	VENDOR #3	VENDOR PART #		PRODUCT LINE: AVR-SR DRAWING # L-0101

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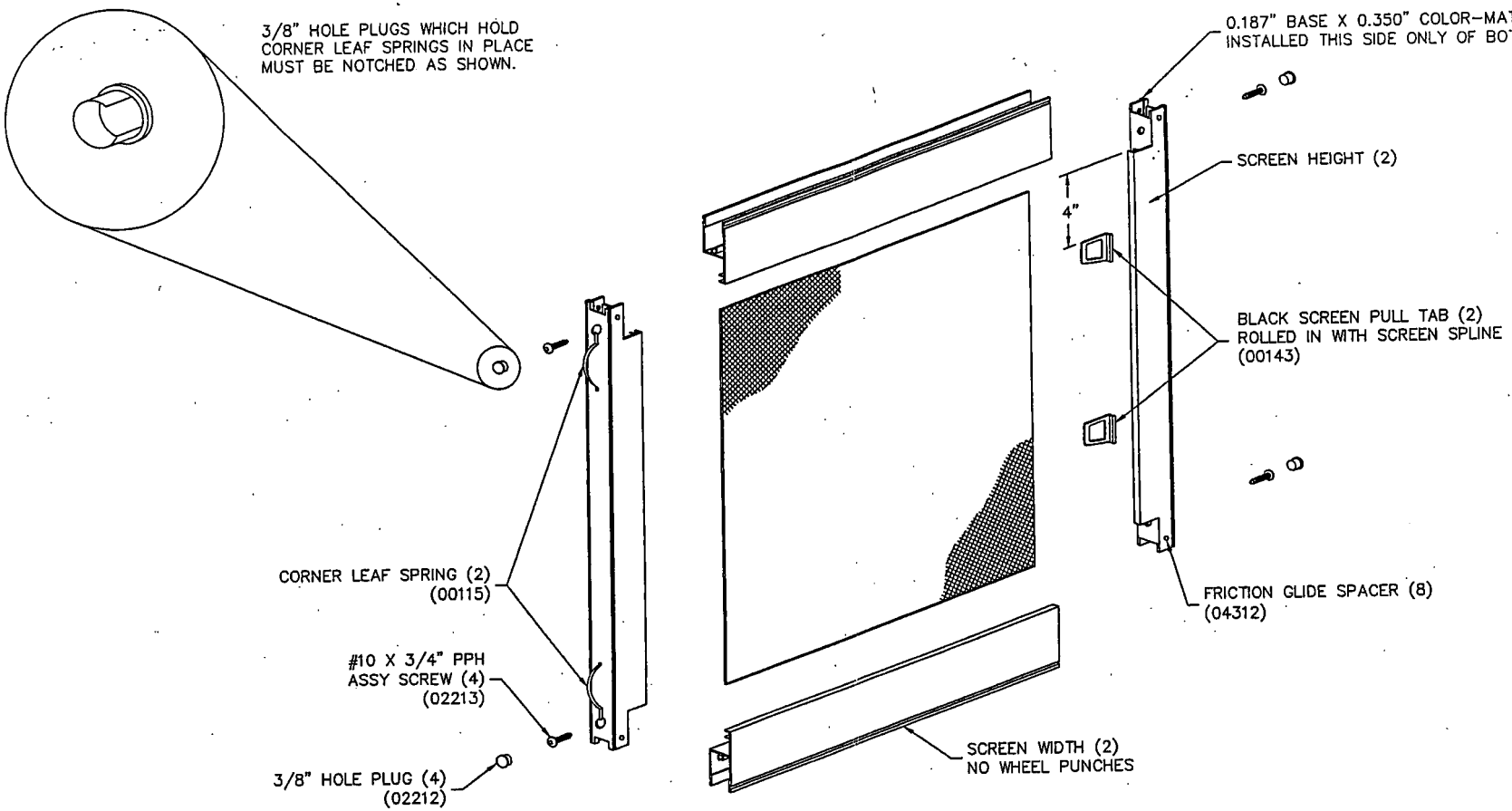
EXHIBIT

A



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NOTES:	AREA: SQ.IN.	WT/FT: LBS.	Patio Enclosures, Inc. 720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
	PERIM: IN.	YIELD STRENGTH PSI	
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	Syy IN^3	MAX LENGTH: FT.	DESCRIPTION: AVR-SR SCREEN ASSEMBLY
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	VENDOR #2	VENDOR PART #	FINISH: VARIOUS
	VENDOR #3	VENDOR PART #	SCALE: 1:4 DRAWN: APB DATE:
			PRODUCT LINE: AVR-SR DRAWING # L-0103

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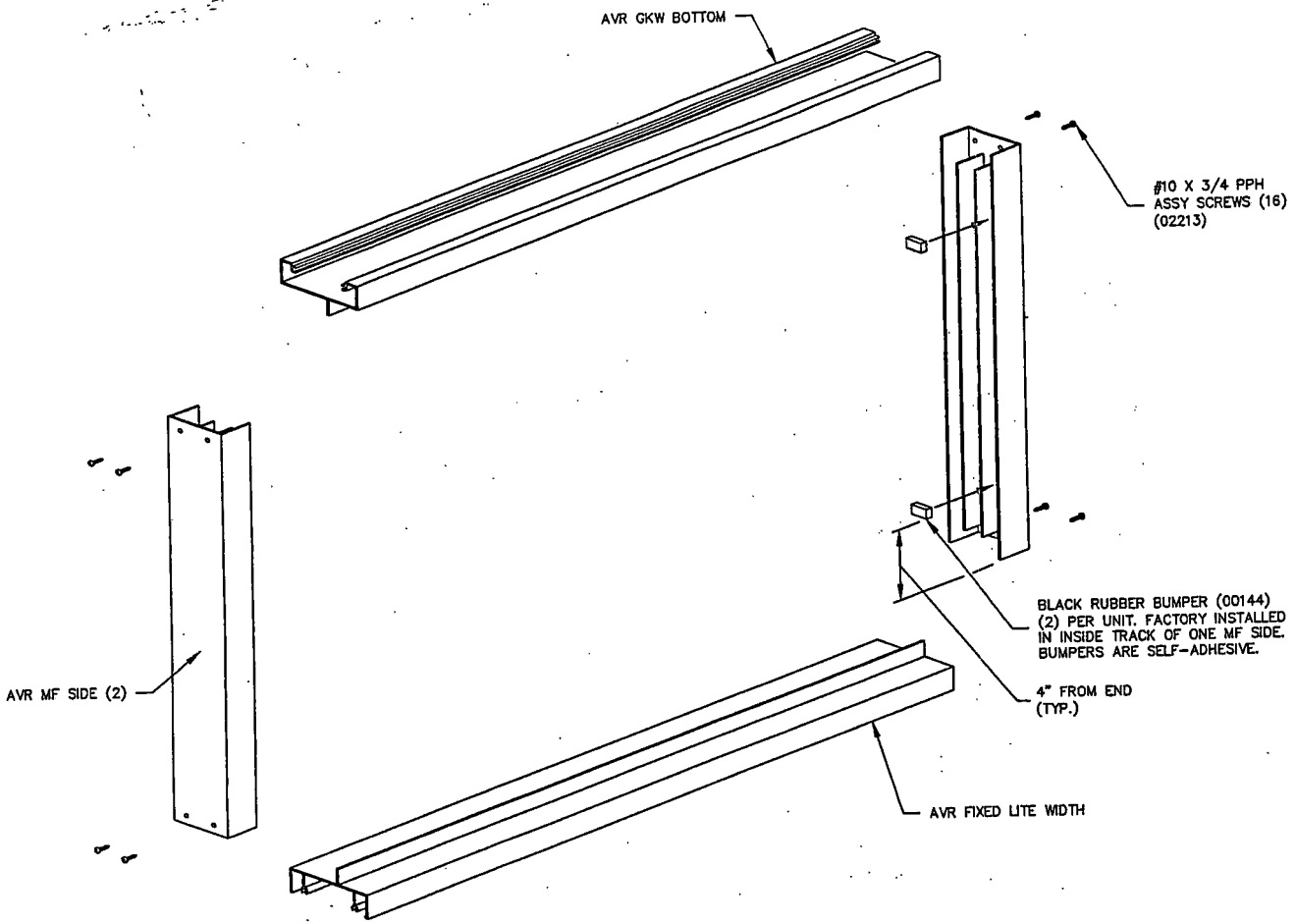
EXHIBIT

B



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NOTES:	AREA: SQ.IN.	WT/FT: LBS.		Patio ENCLOSURES, INC.	720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
	PERIM: IN.	YIELD STRENGTH PSI			
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	Syy IN^3	MAX LENGTH: FT.		MATL: VARIOUS	
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	VENDOR #2	VENDOR PART #		SCALE: 1:7	DRAWN: APB / DATE:
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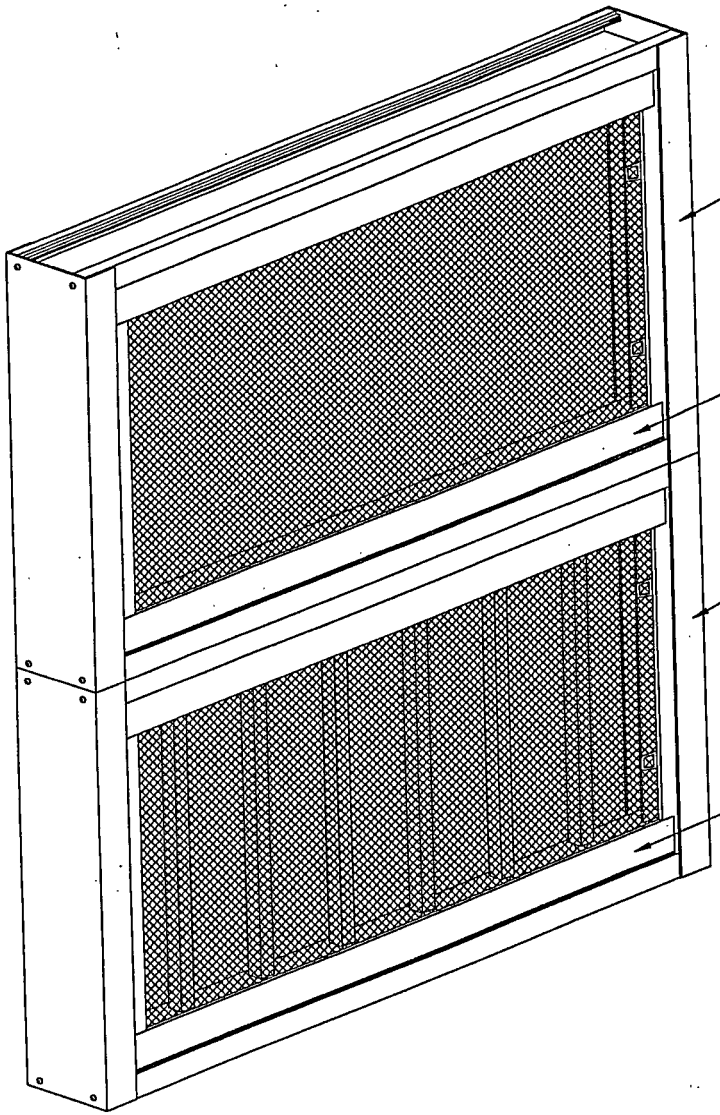
EXHIBIT

C



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AREA: SQ.IN.		WT/FT: LBS.		patio ENCLOSURES, INC.	720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
PERIM: IN.		YIELD STRENGTH PSI		DESCRIPTION: AVR-SR ASSEMBLY	
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Syy IN^3	MAX LENGTH: FT.			FINISH:	
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VENDOR #3	VENDOR PART #				

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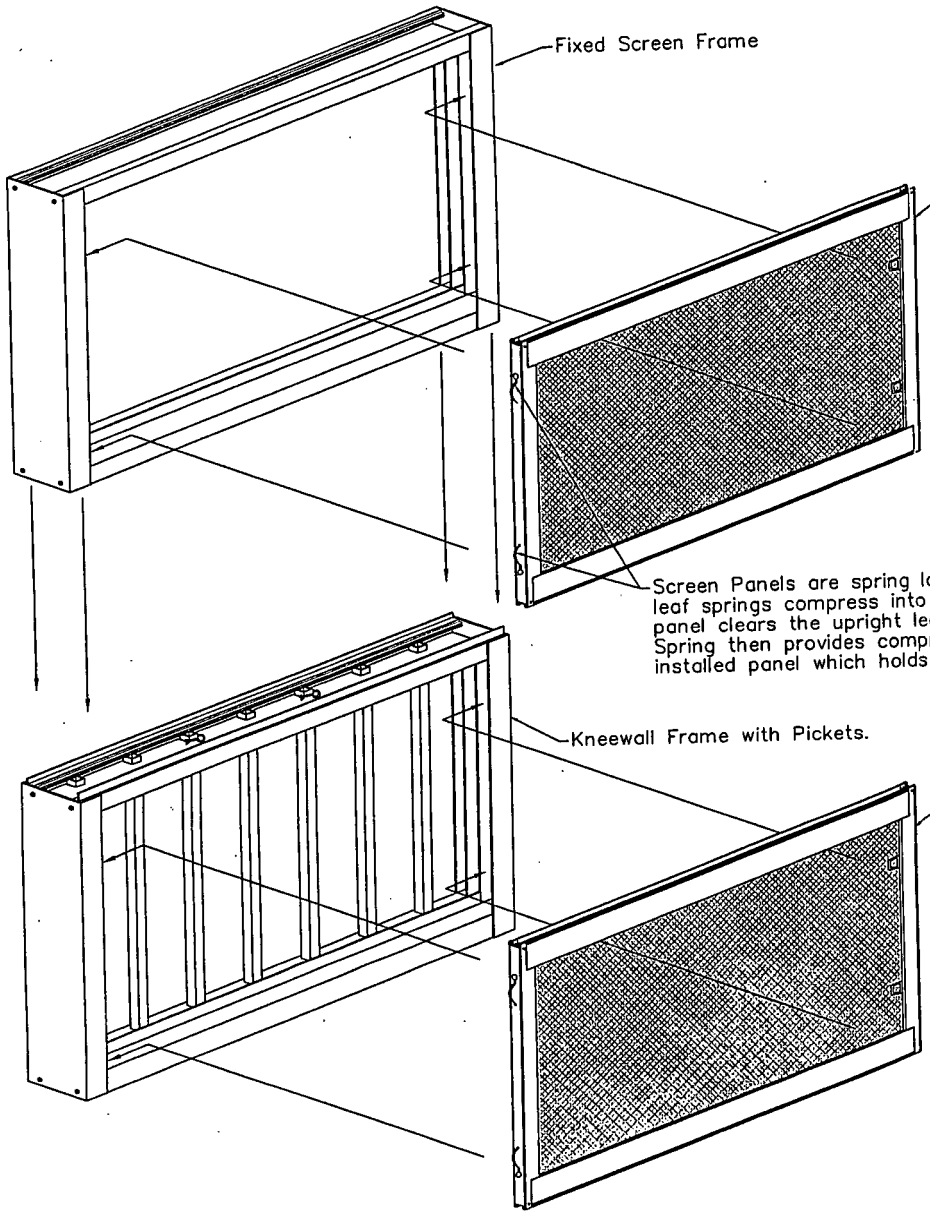
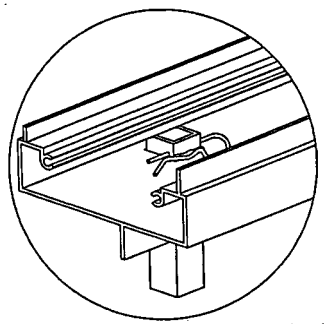
EXHIBIT

D





Pickets extend through punched square holes in the kneewall top and bottom extrusions. Two pickets on each railing section are pinned top and bottom using a cotter pin, as shown.

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AREA: SQ.IN.		WT/FT: LBS.		Patio Enclosures, Inc.	720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
PERIM: IN.		YIELD STRENGTH PSI			
Ixx IN^4	Iyy IN^4	Sxx IN^3		DESCRIPTION: AVR-SR ASSEMBLY	
Syy IN^3	MAX LENGTH: FT.			MATL:	
VENDOR #1		VENDOR PART #		FINISH:	
VENDOR #2		VENDOR PART #		SCALE: NONE	DRAWN: CWT DATE:
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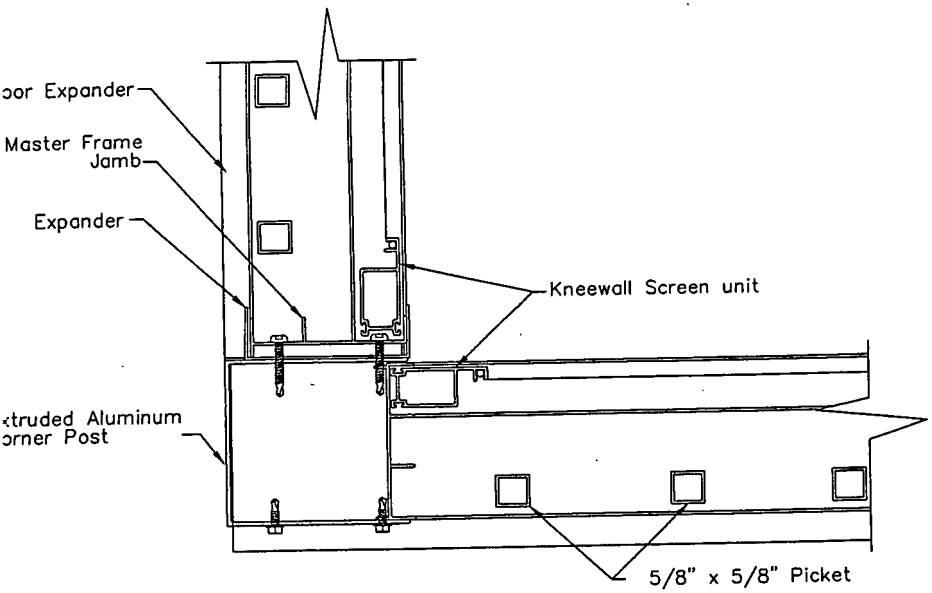
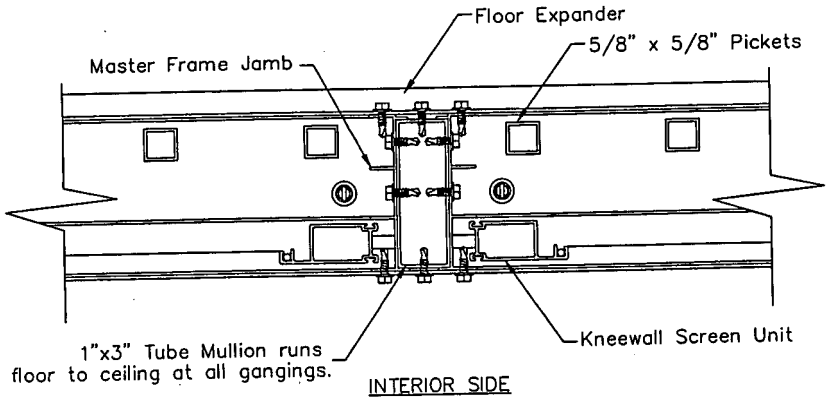
EXHIBIT

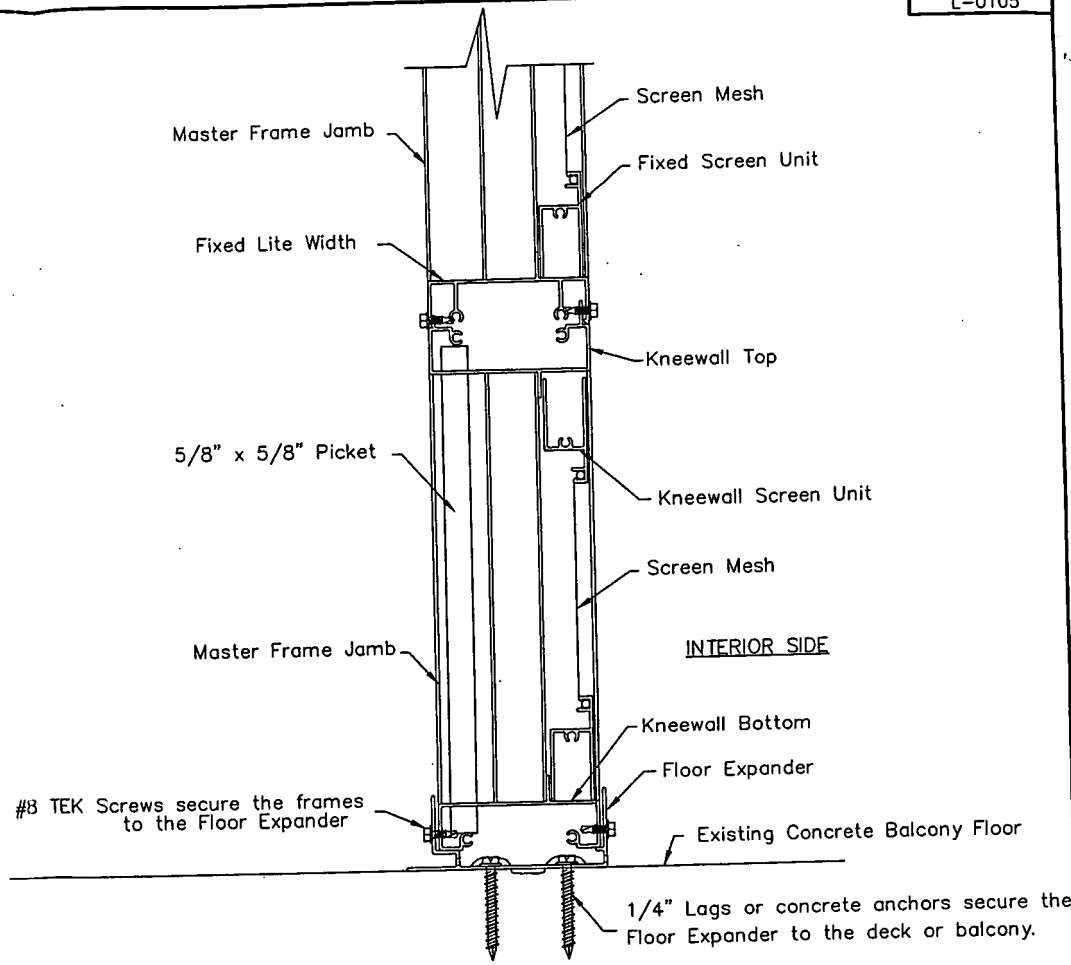
E



SCREEN UNITS @ CORNER POST



KNEEWALL FIXED SCREEN UNIT GANGING



SECTION THROUGH INTEGRAL RAILING SYSTEM

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AREA: SQ.IN.		WT/FT: LBS.		patio ENCLOSURES, INC.	720 E. HIGHLAND ROAD MACEDONIA, OHIO 44056 (330) 468-0700
PERIM: IN.		YIELD STRENGTH PSI			
Ixx IN⁴	Iyy IN⁴	Sxx IN³		DESCRIPTION: AVR-SR ASSEMBLY	
Syy IN³	MAX LENGTH: FT.			MATL:	
VENDOR #1	VENDOR PART #			FINISH:	
VENDOR #2	VENDOR PART #			SCALE: NONE	DRAWN: CWT DATE:
VENDOR #3	VENDOR PART #			PRODUCT LINE: AVR-SR	DRAWING# L-0105 PATENT 2

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EXHIBIT

F